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Subject: Recirculation of DEIR Is Necessary to Include Detailed Environmental Analysis of 500 kV Corridor Along Highway 76 between Sunrise Powerlink and LEAPS

Dear CPUC/BLM:

The La Jolla Tribal Council supports the Commission's determination in the DEIR that non-wire alternatives that rely on in-area generation to meet the area's electricity needs are superior to any transmission line alternative. However, there are several other issues we would like to raise.

We recently became aware that Sempra/SDG&E have been actively seeking U.S. Department of Energy (DOE) assistance for the last two-and-a-half years to site an extension of the proposed Sunrise Powerlink 500 kV transmission line along Highway 76 with the goal of tying-in the 500 kV line with the Southern California Edison (SCE) transmission grid that serves the greater Los Angeles area.¹ According to the DEIR, the route of this 500 kV line will follow existing 69 kV transmission corridors through the La Jolla reservation and adjacent to the Rincon and Pala reservations. SDG&E has held no meetings with the tribes that would be affected and has not informed any of the tribal leaders of these tribes that a major transmission line project is imminent, despite active lobbying of the DOE by Sempra/SDG&E for more than two years for assistance in placing the line through Indian lands along Highway 76. This is totally unacceptable. The DEIR must be recirculated to include a detailed environmental analysis of the impact of placing a 500 kV transmission line through or near these lands along Highway 76, and to propose measures to mitigate the impact of this line.

¹ Sempra comment letter to DOE, November 28, 2005. SDG&E comment letter to DOE, March 6, 2006.

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A transmission line of this size and scope passing along Highway 76 directly through the La Jolla Indian Reservation would have grave impacts on the cultural resources of the La Jolla Indian Reservation and on the quality of life of residents. It would also greatly affect the future economic development of the tribe. These impacts have not been studied in the DEIR. This is totally unacceptable. The DEIR must be recirculated to include a detailed cultural assessment of the proposed route. SDG&E also has not approached the affected tribes to negotiate right-of-way agreements for the proposed transmission lines. Additionally, the Bureau of Indian Affairs (BIA) was not invited to be a cooperating agency in the creation of the DEIR which is a required element of the process when proposing to transverse tribal lands. The DEIR must be recirculated to include the BIA as a cooperating agency.

A. Detailed Analysis of the Full Loop Route Through Indian Lands Along Highway 76 Must be Included in the DEIR

SDG&E calls the line that will pass through Indian lands the "Full Loop," as construction of the line would complete a 500 kV full loop transmission line through Southern California. The SDG&E Aug. 4, 2006 application to the Commission describes the general route of the Full Loop (p. VI-13): *"Of the Full Loop alternatives originating at Imperial Valley, the best-performing Full Loop alternative went from Imperial Valley to a new "Central" Substation to a new substation in SCE's territory between the Serrano and Valley Substations. This alternative also had the advantage of combining the Sunrise Powerlink (Imperial Valley – Central 500 kV) with the LEAPS transmission."*²

The Lake Elsinor Advanced Pump Storage (LEAPS) line is a second proposed 500 kV transmission project that would connect a substation on the northern perimeter of Camp Pendleton to the SCE grid. An existing 230 kV corridor that passes by the western border of the Pala reservation would be a component of the LEAPS project. A combination of 500 kV Sunrise Powerlink and the 500 kV LEAPS transmission line is presented by SDG&E as the Full Loop option in the application.

Under "Future Transmission System Expansion," the DEIR describes the exact route of the expected 500 kV interconnection between the proposed Sunrise Powerlink Central substation and LEAPS, stating (DEIR, p. B-31): *"The potential future 500 kV circuit would exit the proposed Central East Substation, running northwest to parallel the existing 69 kV line past the Warners Substation. It would then follow the existing Warners-Rincon 69 kV transmission line past Lake Henshaw, hugging the lake's northern banks until it would meet SR76. The route would continue to follow the existing 69 kV line and generally following SR76 for approximately 12 miles to Rincon Substation. From Rincon, the route would continue west along the existing Rincon-Lilac 69 kV transmission line for approximately 9.5 miles across Valley Center and meet the existing Talega-Escondido 230 kV transmission line west of Lilac Substation. The route would parallel the existing 230 kV line north for approximately 13 miles, turning west with the existing corridor near the community of Rainbow. After*

² The complete Full Loop route map is shown in Figure B-12b of the DEIR/EIS at: <http://www.cpsc.ca.gov/Environment/info/asnes/sunrise/deir/figs/Figure%20B->

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another 16 miles, the potential future route would be between the northern boundary of Camp Pendleton Marine Corps Base and Cleveland National Forest, still following the Talega-Escondido corridor."

SDG&E's makes clear in its comments on the DEIR that the whole point of its preferred SPL route is to enable the completion of the Full Loop. SDG&E states this explicitly in its March 12, 2008 Phase II testimony on the DEIR, stating (Chapter 1, p. 1-12, 1-13): *"But inexplicably, the DEIR did not treat expandability as a project objective. SDG&E's Phase 1 testimony shows how the Sunrise Proposed Route can facilitate future system expansion, but that a southern route does not (footnote 15). SDG&E's Phase 1 evidence shows that (1) the Sunrise Proposed Route offers the potential of future interconnection to SCE at 500 kV or 230 kV; (2) the new Central substation design provides for future additional circuits and transformers at 500 and/or 230 kV; and (3) other routes or alternatives under consideration do not offer the future expandability potential of the Proposed Route."*

The DEIR offers no opinion on when the completion of the Full Loop might occur and provides no analysis of the environmental impacts of linking the proposed Sunrise Powerlink project with the LEAPS project to complete the Full Loop, despite the DEIR describing the exact route of the Full Loop through Indian lands along Highway 76, SDG&E's explicit intent to complete the Full Loop, and Sempra's Energy request for DOE assistance to place transmission through Indian lands along Highway 76, and SDG&E's most recent assertion that the whole point of the Sunrise Powerlink is to complete the Full Loop.³ This is an unacceptable omission in the DEIR.

It is reasonably foreseeable that SDG&E will move to gain approval to complete the Full Loop as soon as Commission approval is secured for the Sunrise Powerlink. SDG&E cites the Garamendi Principle as a primary criterion in selecting proposal transmission routes.⁴ The Garamendi Principle calls for siting new transmission lines in existing active transmission corridors before developing new corridors. The time to study the impacts on the Warners-Rincon 69 kV and Rincon-Lilac 69 kV corridors is now, when the route of the Sunrise Powerlink is not yet finalized. If the impacts on these 69 kV corridors are high and cannot be mitigated, this information could have a material impact on the final route of the Sunrise Powerlink. There may be little option other than forcing the tribe(s) to absorb the impacts if this information is not available until after the Sunrise Powerlink is built along SDG&E's preferred route.

B. DEIR Must Analyze Expansion of Sunrise Powerlink Along 230 kV Corridor through La Jolla and Rincon Lands

The DEIR also describes the near-term (within the next ten years) expansion of the proposed Sunrise Powerlink project by the addition of one or two 230 kV circuits from the Central East Substation to either the Sycamore Canyon Substation or

³ SDG&E, A.06-08-010 Phase II Testimony - Chapter 6: SDG&E's Enhanced Northern Route, p. 25. "If future 500 kV and 230 kV circuits cannot not be built due to the location of the substation and route constraints, then one of the objectives of the Sunrise Powerlink, "expandability" would not be met. It hardly makes sense from a CAISO ratepayers' perspective to select southern routes if the future expansion of those route are infeasible."

⁴ Ibid, p. 6.30. "Additionally, SDG&E continued to follow one of the primary environmental criteria for routing any transmission line, namely the use of the Garamendi Principles, which encourage always using or

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Chicarita Substation in the San Diego area (DEIR, Figure B-1, p. B-3). The northern 230 kV alternative would follow 69 kV corridors through the La Jolla and Rincon reservations to the Chicarita Canyon substation. The DEIR includes no environmental assessment of the 230 kV expansion route through La Jolla and Rincon lands.

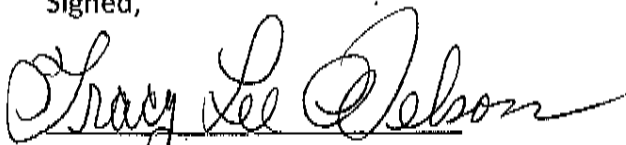
SDG&E has opposed the southern route alternatives to the proposed Sunrise Powerlink route primarily on the basis that collocating transmission lines would result in less reliability than running the lines along distinct and separate corridors).⁵ It is therefore reasonable to assume that SDG&E will prefer the La Jolla and Rincon reservation 69 kV corridors for the 230 kV expansion from the proposed Central East Substation to the Chicarita Substation. There is no analysis of the environmental impacts of this 230 kV expansion in the DEIR, despite the reasonable probability of this 230 kV expansion project through La Jolla and Rincon lands in the near-term.

C. Conclusion – DEIR Must be Recirculated to Address Omissions

The DEIR must be recirculated to include the BIA as a cooperating agency and to include a detailed environmental assessment, including an assessment of alternative routes and mitigation measures, of 1) the 500 kV Full Loop segment that SDG&E will build to link the Central East Substation to the LEAPS transmission line, and 2) the 230 kV expansion to SDG&E's preferred project that starts at the Central East Substation, passes through La Jolla and Rincon lands along existing 69 kV corridors, and terminates at the Chicarita Substation. Additionally the La Jolla Band of Luiseño Indians, as well as other affected federally recognized Indian tribes, as sovereign nations, should be properly contacted to initiate a formal government to government consultation process.

We look forward to your prompt response to this comment letter.

Signed,



Tracy Lee Nelson
La Jolla Tribal Chairman

⁵ Ibid, 6.19. "Because the Southern route is adjacent to SWPL (existing 500 kV Southwest Powerlink) for a much longer distance than the Proposed Route, the exposure of the Southern route to natural disasters that have the potential to simultaneously take out both the proposed and existing 500 kV line is greater for the Southern route."

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cc:

Governor Arnold Schwarzenegger
Lt. Gov. John Garamendi
Attorney General Jerry Brown
State Senator Christine Kehoe
State Senator Denise Ducheny
State Senator Dennis Hollingsworth
Assemblymember Lloyd Levine
Assemblymember Lori Saldana
Assemblymember Mary Salas
Assemblymember Joel Anderson
City of San Diego Mayor Jerry Sanders
SANDAG Executive Director

US Secretary of Energy
US Secretary of Interior
US Senator Dianne Feinstein
US Senator Barbara Boxer
US Congressman Duncan Hunter
US Congressman Bob Filner
US Congresswoman Susan Davis
US Congressman Darrell Issa
US Congressman Brian Bilbray
BIA Regional Superintendent